

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION NO.
v.)	2:21cr356-MHT
)	(WO)
JONATHAN LASHAUN DILLARD)	

ORDER

In June 2022, the court ordered that "defense counsel shall arrange for Dr. Peggy Flanagan to reexamine defendant Jonathan Lashaun Dillard and update her competency evaluation, as appropriate, in light of defendant Dillard's recent suicidality and other evidence that he continues to suffer from mental illness." Order (Doc. 85) at 1.

Dr. Flanagan's updated psychological evaluation of Dillard, dated August 16, 2022, reported inconclusive findings as to competency and reported that Dillard would benefit from hospitalization for further evaluation of his competency (and to assist with medication compliance, which may improve his competency-related knowledge). See Update to Psychological Evaluation (Doc. 98). At a

telephonic status conference on August 23, 2022, the court and the parties discussed the updated report and defense counsel again raised the issue of Dillard's competency to stand trial.

Because an incompetent defendant cannot assist counsel in defending his case nor make any necessary decisions--and because neither a guilty plea nor a trial can go forward if the defendant were to be found incompetent--the court will set a hearing to further enquire into Dillard's competency to stand trial. The hearing will proceed in person, with Dillard present, with the exception that Dr. Flanagan shall testify remotely via videoconference.

Accordingly, it is ORDERED that an in-person hearing on the issue of defendant Jonathan Lashaun Dillard's mental competency is set for August 26, 2022, at 10:00 a.m. in Courtroom 2FMJ of the Frank M. Johnson Jr. United

States Courthouse Complex, One Church Street, Montgomery, Alabama.

The courtroom deputy is to arrange for Dr. Peggy Flanagan to testify by videoconference.

The government is to arrange for the presence of defendant Dillard.

DONE, this the 24th day of August, 2022.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE